

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

**L-3 NATIONAL SECURITY SOLUTIONS, INC.,)
AS SUCCESSOR TO L-3 SERVICES, INC.,)
GLOBAL SECURITY & ENGINEERING)
SOLUTIONS DIVISION,)**

Plaintiff,

v.

Civil Action No. 1:12-cv-59

**INNOVATIVE WIRELESS TECHNOLOGIES, INC.,)
ERIC HANSEN, PHILIP CARRIER,)
PAUL SCHMIDT, JOHN STECKLEY,)
ROD PASSMORE, DARREN KREEGER,)
JASON JARRETT, LOGI-TEC, INC.)
and BOOKCLIFF SALES, INC.,)**

Defendants.

IWT DEFENDANTS' RULE 12(b)(1) AND 12(b)(6) MOTION TO DISMISS

Innovative Wireless Technologies, Inc. ("IWT") and its employees Eric Hansen ("Hansen"), Philip Carrier ("Carrier"), Paul Schmidt ("Schmidt"), John Steckley ("Steckley"), Rod Passmore ("Passmore"), Darren Kreeger ("Kreeger"), and Jason Jarrett ("Jarrett"), ("Individual Defendants"), (collectively, "IWT Defendants"), by counsel, move this Court to dismiss Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and award the IWT Defendants such other and further relief as this Court deems just and proper.

Plaintiff's Complaint should be dismissed for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) because there is no basis in law or fact to support Plaintiff's Lanham Act claim. Dismissal likewise is proper for failure to state a claim pursuant to Rule 12(b)(6) because each of Plaintiff's claims conflicts with the documents referred to in its Complaint, and otherwise fails to state any plausible claim or right to relief that rises above the speculative level.

Dated: February 16, 2012

Respectfully submitted,

IWT DEFENDANTS

By /s/ Joshua F. P. Long
Of Counsel

Joshua F. P. Long (VSB#65684)
Woods Rogers PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, Virginia 24038-4125
Tel (540)983-7600; Fax (540)983-7711
jlong@woodsrogers.com
Counsel for IWT Defendants

J. Barrett Lucy
Freeman Dunn Alexander Tiller Gay & Lucy, PC
1045 Cottontown Road
Lynchburg, VA 24503
Tel (434)528-3400, Fax (434)385-0365
Counsel for Rod Passmore

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Mark T. Stancil
Deneen J. Melander
Robbins, Russell Englert, Orseck, Untereiner & Sauber, LLP
1801 K. Street, NW, Suite 411
Washington, DC 20006
Counsel for Plaintiff

And I hereby certify that I will mail the document by U.S. Mail to the following non-filing user:

Steven L. Levitt
Steven L. Levitt & Associates, PC
129 Front Street
Mineola, NY 11501
Counsel for Plaintiff

/s/ Joshua F. P. Long